



# **CITY COUNCIL AGENDA REPORT**

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**MEETING DATE: MAY 6, 2008**

**ITEM NO:**

**SUBJECT: REVIEW OF PLANNING APPLICATION PA-08-07  
242 OGLE STREET**

**DATE: APRIL 24, 2008**

**FROM: DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION**

**PRESENTATION BY: MEL LEE, AICP, SENIOR PLANNER**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER (714)754-5611**

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## **RECOMMENDED ACTION**

Conduct public hearing and adopt a resolution to uphold, reverse, or modify Planning Commission's decision.

## **BACKGROUND**

This application has been submitted by the property owner at 242 Ogle Street. At present, there is a single family house with a detached one car garage and workshop on this property, in an R-2 zone. The owner proposes to demolish the garage/workshop structure and build a new two story structure to include; two double car garages totaling 872 sq. ft. and a 668 sq. ft. workshop on the ground floor, with alley access to the garages; and, a 1,281 sq. ft. two bedroom two bathroom apartment, with a 120 sq. ft. balcony, on the second floor. Additionally, a minor addition is proposed to the main house to accommodate a new 100 sq. ft. closet room.

In conjunction with the project, the applicant is requesting approval of the following deviations from the City's development standards:

- Administrative adjustments from the required side yard setback for the proposed building (5 feet required; 3 feet proposed on the left side) and building separation between the existing residence and the new second floor deck (10 feet required; 6 feet and 7 feet proposed);
- Minor design review to deviate from the City's Residential Design Guidelines for second floor to first floor ratio for the new building (80% recommended; 91% proposed);

- Minor modifications retain the existing driveway from Ogle Street and extend a nonconforming side setback for the existing residence with the new closet (5 feet required; 2 feet, 10 inches existing).

A variance from on-site parking requirements (7 spaces required; 6 spaces proposed) was part of the original public notice and discussed in the Planning Commission staff report; however, it was determined that the variance was not required because two nonconforming parking spaces are provided for the existing residence on the property within the existing driveway from Ogle Street which, coupled with the 4 proposed garage spaces, provides adequate parking for this project (6 spaces required; 6 spaces proposed).

On April 14, 2008, Planning Commission approved the project on a 3-2 vote (Commissioners Righeimer and Egan voting no). On April 21, 2008, a review of the Commission's decision was requested by Mayor Pro Tem Mansoor.

### **ANALYSIS**

A detailed analysis of the project and the requested entitlements is provided in the Planning Staff report attached to this memo.

As noted in the minute excerpts of the hearing, which are also attached, a concern was raised by the Commission regarding the design of the proposed workshop and the potential for a future property owner to illegally convert it to a third apartment; however, the applicant stated that it was not designed for this purpose (it will be used for the storage of the property owner's model trains). The majority of the Commissioners did not have a concern with the new workshop or the other requested deviation. The Commission found that approval was warranted due to the nonconforming lot width (100 feet required for newly subdivided lots; 50 feet existing) and lot size (12,000 square feet required for newly subdivided lots; 6,250 square feet existing) and approved the project with no modifications or additional conditions of approval.

### **ALTERNATIVES CONSIDERED**

City Council may consider the following alternatives:

1. Uphold Planning Commission's decision to approve the project;
2. Uphold Planning Commission's decision to approve the project with modifications and/or additional conditions of approval; or
3. Deny the project. If the project is denied, appropriate findings would need to be made.

### **FISCAL REVIEW**

Fiscal review is not required.

### **LEGAL REVIEW**

The attached resolutions were reviewed and approved by the City Attorney for form.

## ENVIRONMENTAL REVIEW

Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

## CONCLUSION

The Planning Commission approved the applicant's request to construct the project with the requested deviations on the basis of the nonconforming lot size and lot width of the property.



MEL LEE, AICP  
Senior Planner



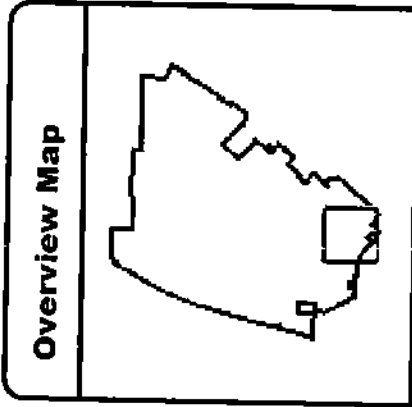
DONALD D. LAMM, AICP  
Deputy City Mgr. – Dev. Svs. Director

Attachments:      Zoning/Location Map  
Plans  
Draft City Council Resolution - Approval  
Exhibit "A" – Draft Findings for Approval  
Exhibit "B" – Draft Conditions of Approval  
Draft City Council Resolution - Denial  
Exhibit "A" – Draft Findings for Denial  
Review Request  
Minutes of Planning Commission meeting of April 14, 2008  
Planning Division Staff Report  
Planning Commission Resolution

Distribution:      City Manager  
Assistant City Manager  
City Attorney  
Deputy City Mgr.-Development Svs. Dir.  
Public Services Director  
City Clerk (2)  
Staff (4)  
File (2)

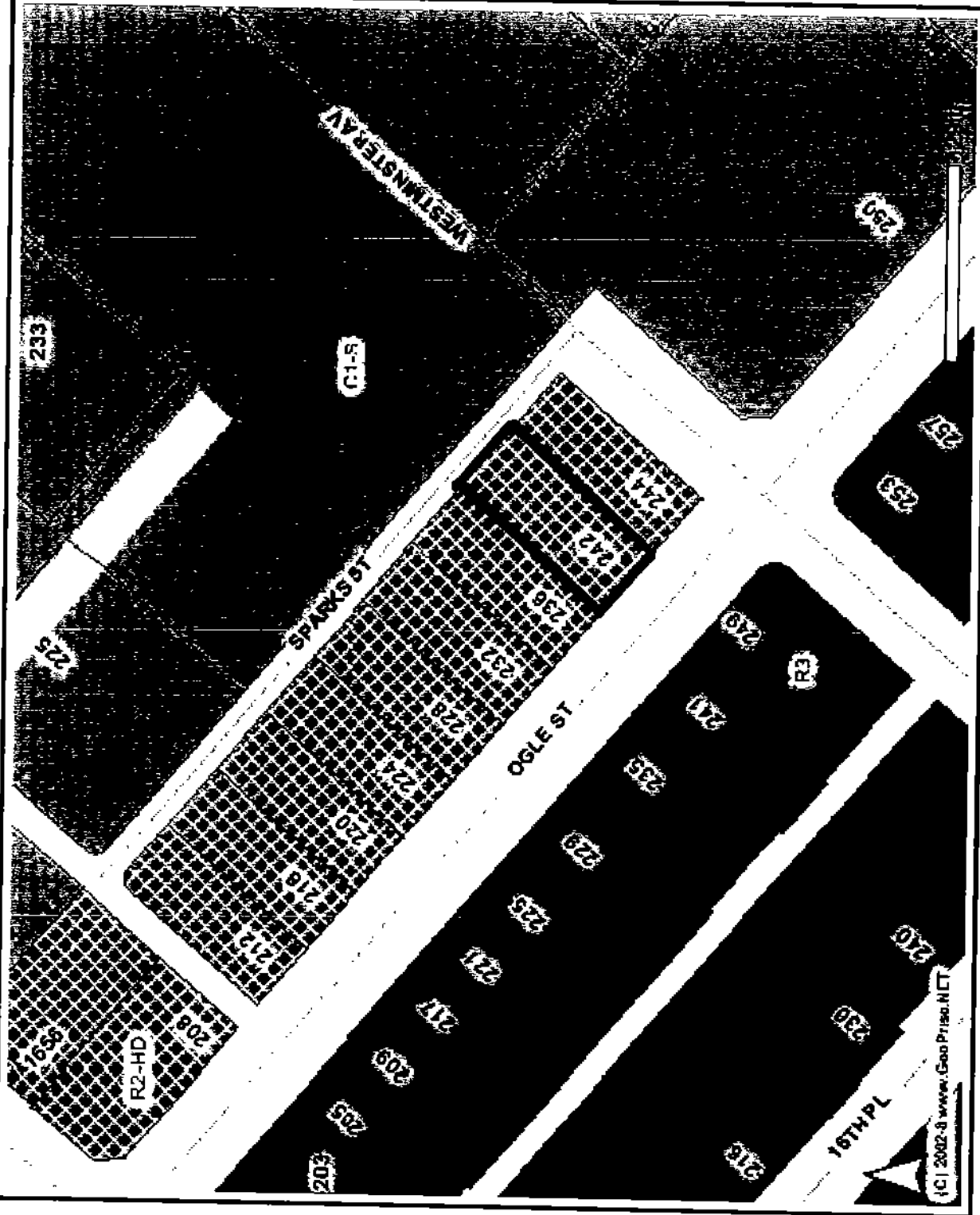
Laura Kay Dunbar  
Dunbar/Collings Architecture  
499 Arnett Avenue  
Ventura, CA 93003

Danny K. and Dorothy M. Dunbar  
P.O. Box 15606  
Newport Beach, CA 92659-5606

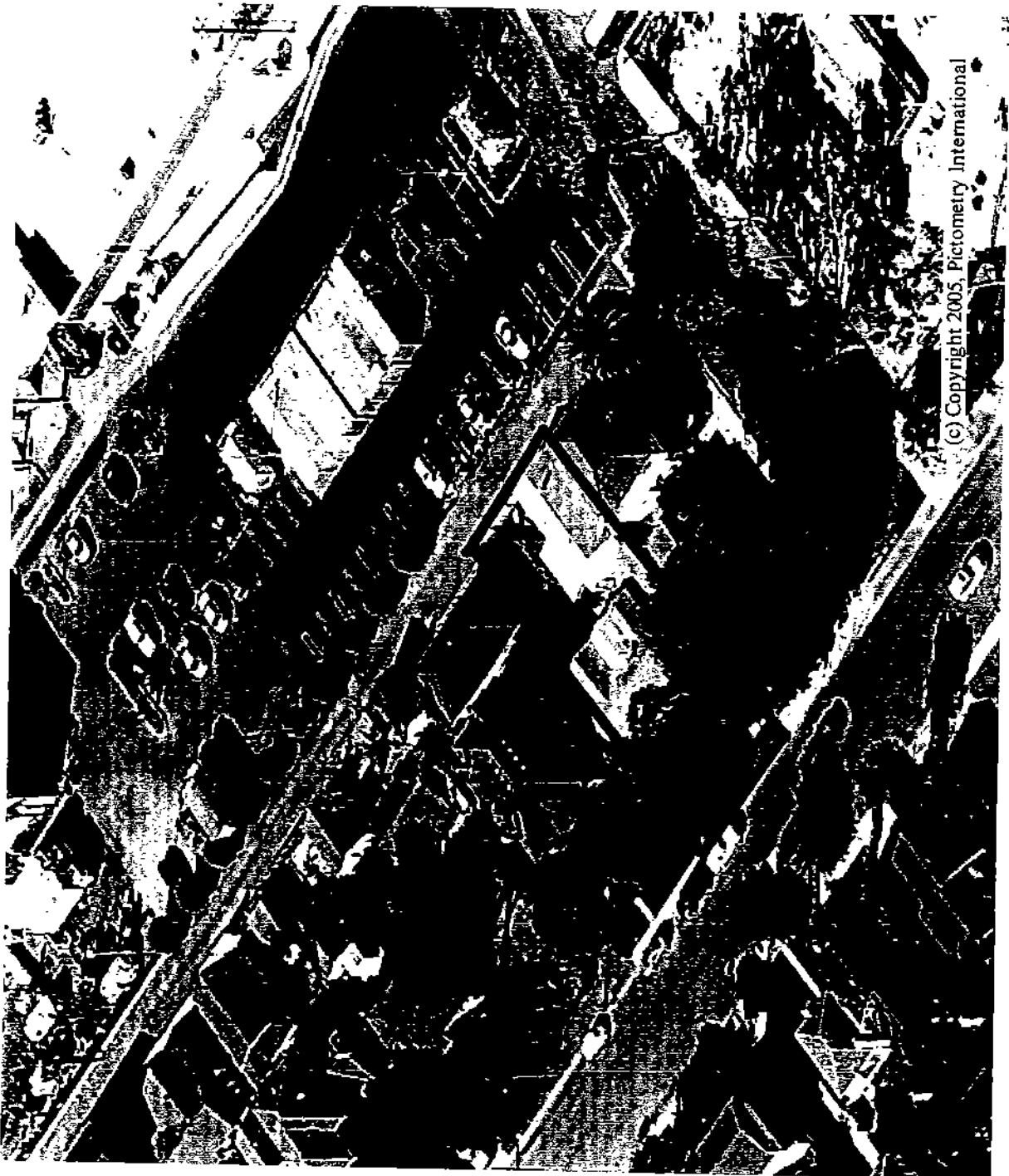


**Overview Map**

**Map Display**



Address Medium	Primary	SECONDARY	Waterway Lines
Address Points			
Freeway			
Roads			
Collector			
Freeway			
Major			
Newport			
BLVD			
(cont)			



(c) Copyright 2005, Pictometry International

Zoom In Zoom Out View From North South East West Ortho Tool: none



DATE: 02/20/2027  
 BY: [Signature]

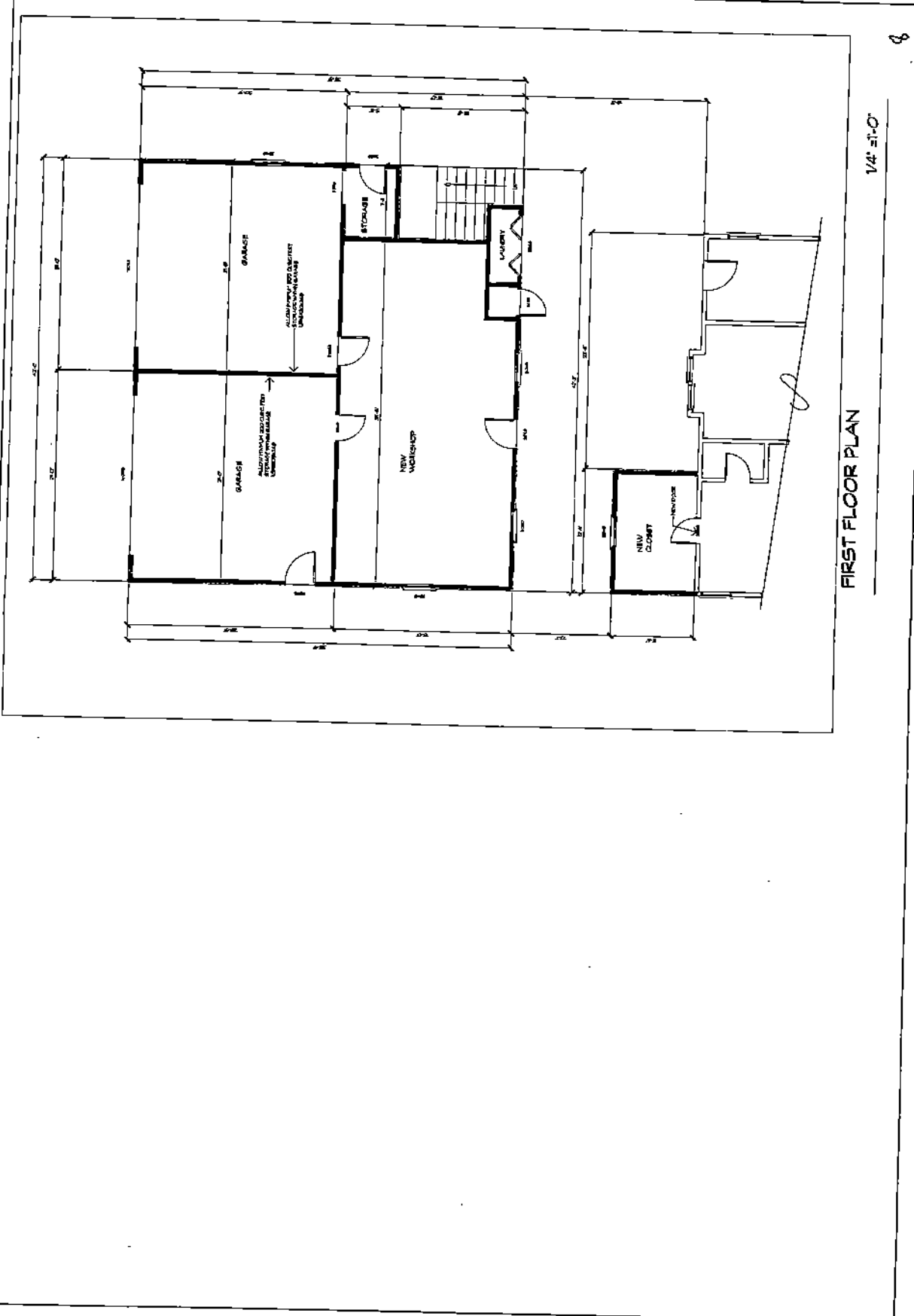
400 ARBETH AVENUE  
 VENTURA, CALIFORNIA 93003  
 805/6477569

DUNBAR  
 COLLINGS  
 ARCHITECTS  
 10000  
 10000  
 10000

RECORDED SECOND DRAWING FOR:  
 DAN AND JEAN DUNBAR  
 240 COLE STREET, COTA, NESA, CA  
 JOB # 01040664  
 FIRST FLOOR PLAN

THIS DRAWING IS THE PROPERTY OF DUNBAR COLLINGS ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DUNBAR COLLINGS ARCHITECTS.

SHEET  
 A-2  
 OF



FIRST FLOOR PLAN

1/4" = 1'-0"

8



THIS SET OF ARCHITECTURAL DRAWINGS IS TO BE USED FOR THE CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO PROVIDE ALL NECESSARY INFORMATION FOR THE CONTRACTOR TO COMPLY WITH ALL CITY, COUNTY AND STATE REQUIREMENTS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL CITY, COUNTY AND STATE REQUIREMENTS. THE ARCHITECT'S OFFICE SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.

SECOND FLOOR PLAN  
PAN AND JEAN DUNBAR  
3400 E STREET COSTA MESA, CA  
JOS & OCHOA  
ARCHITECTS

DUNBAR/  
COLLINGS  
ARCHITECTS  
CLARK  
CONSULTING

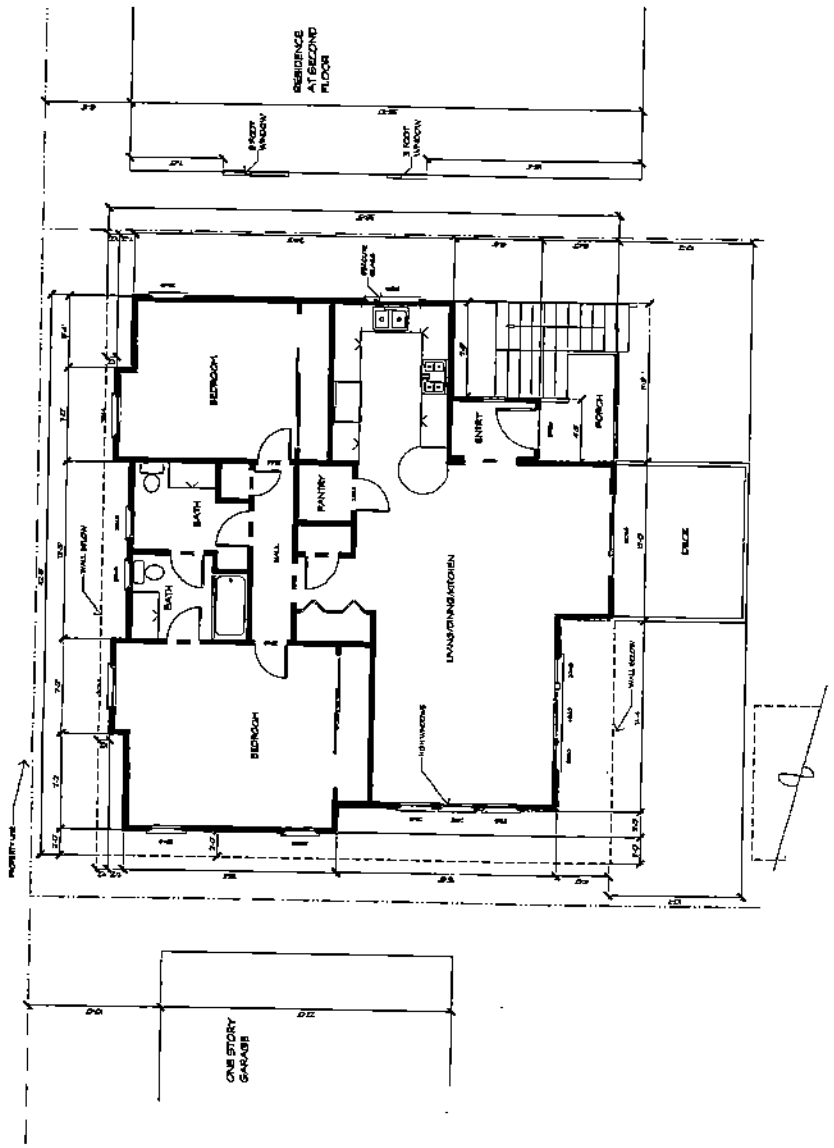
199 ARBETT AVENUE  
VENTURA, CALIFORNIA 93003  
805/667-7750

DATE: 10/1/00  
PROJECT: 0000

9

1/4" = 1'-0"

SECOND FLOOR PLAN



DATE: 12/15/00

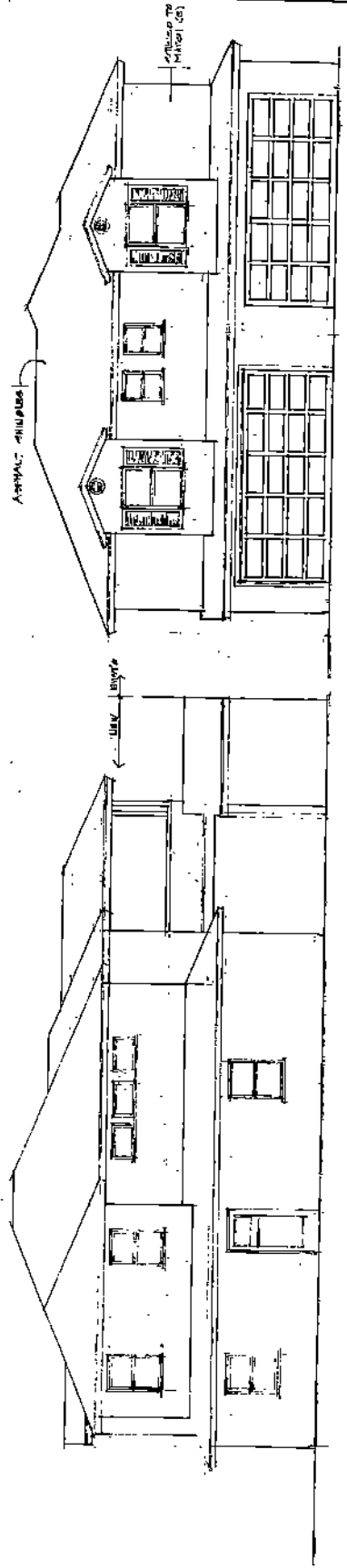
905/565/7705  
CENTRAL, CALIFORNIA 90000  
100 ARCADE AVENUE  
DUNBAR, CA 94528

CONSULTATION  
ARCHITECTURE  
DUNBAR/  
COLLINGS

PROPOSED BUILDING  
240 COLLEGE STREET COSTA MESA, CA  
DAN AND JEAN DUNBAR  
PROPOSED BUILDING FOR

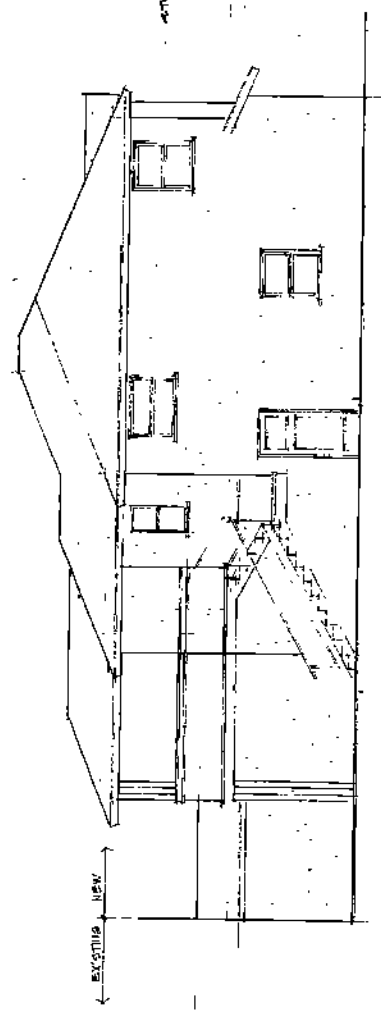
THESE ELEVATIONS ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THE DESIGN MUST BE APPROVED BY THE ARCHITECT.

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A-4

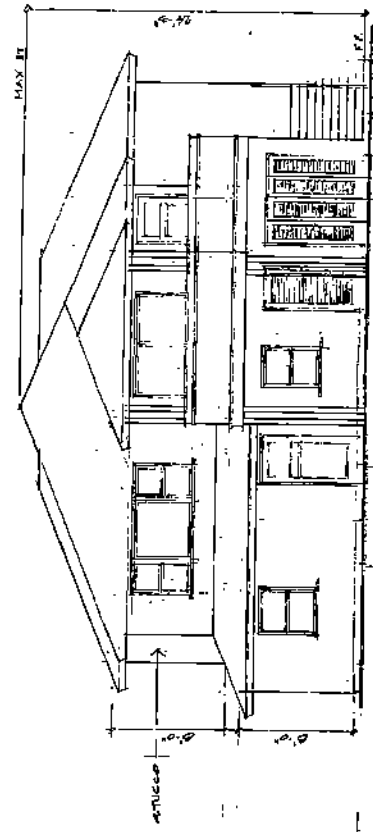


LEFT ELEVATION (NORTH WEST) 14'-11 1/2"

ALLEY ELEVATION (NORTH EAST) 14'-11 1/2"



RIGHT ELEVATION (SOUTH EAST) 14'-11 1/2"



FRONT ELEVATION (SOUTH WEST) 14'-11 1/2"

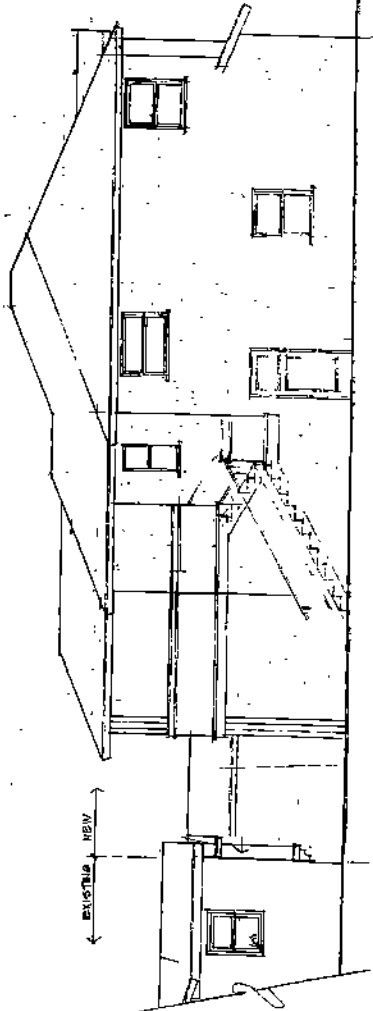
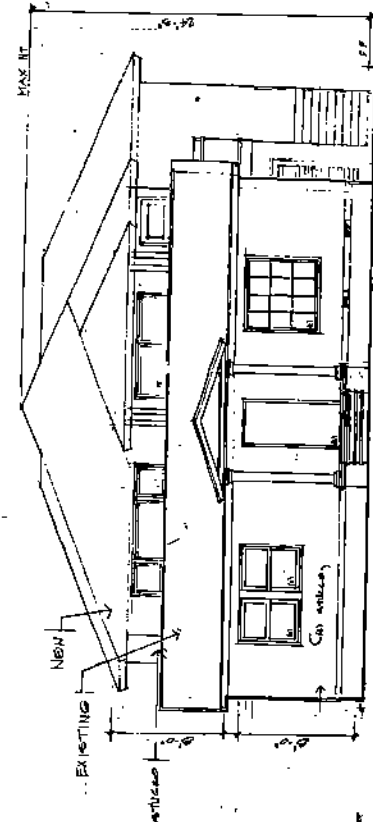
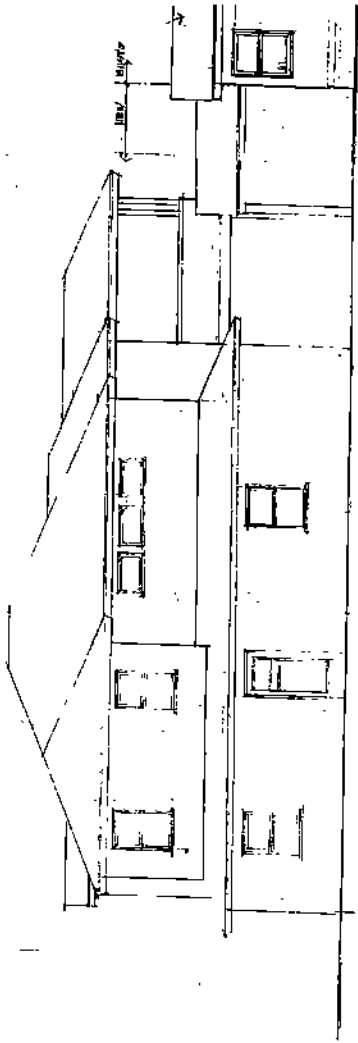
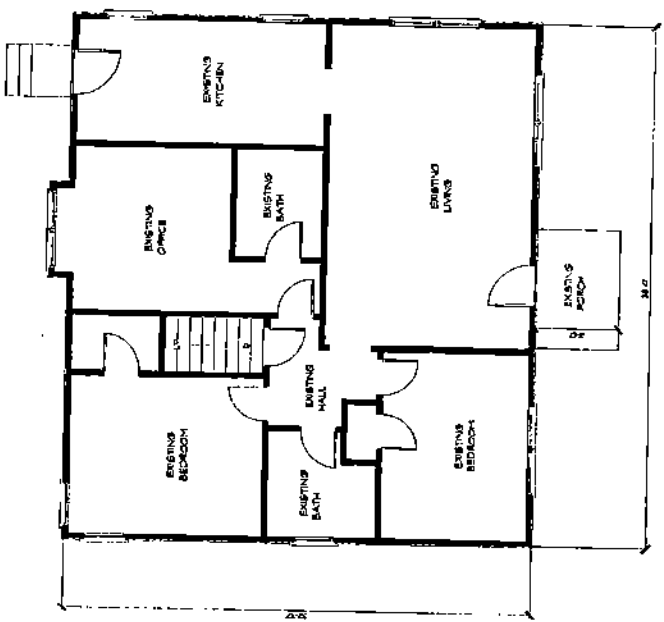
155 ANNETT AVENUE  
 BERKELEY, CALIFORNIA 94704  
 415/841-7249

DUNBAR/  
 COLLINGS  
 ARCHITECTURE  
 CONSULTANTS  
 DESIGN  
 PLANNING

REPRODUCTION OF EXISTING FLOOR PLANS  
 340 DEAN STREET, COSTA MESA, CA  
 714/440-4444

THIS SET OF ARCHITECTURAL DRAWINGS IS THE PROPERTY OF DUNBAR/COLLINGS ARCHITECTURE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR IN ANY MANNER USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF DUNBAR/COLLINGS ARCHITECTURE.

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 A-5



**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
COSTA MESA APPROVING PLANNING APPLICATION PA-08-  
07**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Laura Kay Dunbar, representing Danny K. and Dorothy M. Dunbar, owners of the real property located at 242 Ogle Street, requesting approval of administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 14, 2008, and PA-08-07 was approved; and

WHEREAS, on April 21, 2008, Planning Commission's decision was called up for review to the City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on May 6, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby **APPROVES** PA-08-07 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-08-07 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 6th day of May, 2008.**

**ATTEST:**

\_\_\_\_\_  
**City Clerk of the City of Costa Mesa**

\_\_\_\_\_  
**Mayor of the City of Costa Mesa**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**

**EXHIBIT "A"****FINDINGS - APPROVAL**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed development is compatible and harmonious with uses on surrounding properties.
  - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  - The proposed project complies with applicable performance standards prescribed in the Zoning Code.
  - The project is consistent with the General Plan.
  - The cumulative effect of all of the planning applications has been considered.
- B. The information presented complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do exist to justify granting of the administrative adjustments from side setback and building separation. Specifically, the site is nonconforming with regard to minimum lot size and minimum lot width. Project approval would not constitute a grant of special privileges inconsistent with similar properties within the same zoning district. Furthermore, it has been determined that the parking variance is not necessary due the existing nonconforming unit on the property and that the proposed 6 on-site parking spaces are adequate for this development.
- C. The information presented does comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, with the proposed deviations from the Zoning Code, is compatible and harmonious with existing and/or anticipated development on surrounding properties. Additionally, the design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines.
- D. The information presented does comply with Costa Mesa Municipal Code Section 13-29(g)(6) with regard to the minor modifications to retain the existing driveway and to allow the minor building additions to encroach into required setbacks in that the improvement is compatible with the design of existing and anticipated development in the vicinity.
- E. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- F. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- PIng. 1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
2. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
3. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
4. The conditions of approval and ordinance or code provisions of Planning Application PA-08-07 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, additional second story windows, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
6. Street addresses shall be displayed manner visible to the street and alley. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
7. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
- Eng. 8. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
COSTA MESA DENYING PLANNING APPLICATION PA-08-07**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES  
AS FOLLOWS:

WHEREAS, an application was filed by Laura Kay Dunbar, representing Danny K. and Dorothy M. Dunbar, owners of the real property located at 242 Ogle Street, requesting approval of administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 14, 2008, and PA-08-07 was approved; and

WHEREAS, on April 21, 2008, Planning Commission's decision was called up for review to the City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on May 6, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A, the City Council hereby **DENIES** Planning Application PA-08-07 with respect to the property described above.

**PASSED AND ADOPTED this 6th day of May, 2008.**

**ATTEST:**

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**City Clerk of the City of Costa Mesa**

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**Mayor of the City of Costa Mesa**

**APPROVED AS TO FORM:**

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**City Attorney**



**EXHIBIT "A"****FINDINGS - DENIAL**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed development is not compatible and harmonious with uses on surrounding properties.
  - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  - The proposed project does not comply with applicable performance standards prescribed in the Zoning Code.
  - The project is not consistent with the General Plan.
  - The cumulative effect of all of the planning applications have been considered.
- B. The information presented does not comply with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do not exist to justify granting of the administrative adjustments from side setback and building separation. Project approval would constitute a grant of special privileges inconsistent with similar properties within the same zoning district.
- C. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, with the proposed deviations from the Zoning Code, is not compatible and harmonious with existing and/or anticipated development on surrounding properties.
- D. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(6) with regard to the minor modifications to retain the existing driveway and to allow the minor building additions to encroach into required setbacks in that the improvement is not compatible with the design of existing and anticipated development in the vicinity.
- E. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- F. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



City of Costa Mesa

- ☐ Appeal of Planning Commission Decision - \$1070.00  
☐ Appeal of Zoning Administrator/Staff Decision - \$670.00

### APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name\* Allan Mansoor  
Address Mayor Pro Tem, City of Costa Mesa  
Phone                      Representing                     

REQUEST FOR: ☐ REHEARING ☐ APPEAL ☒ REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

Planning Application PA-08-07 - 242 Ogle Street

Decision by: Planning Commission

Reasons for requesting appeal, rehearing, or review:

Review of Planning Commission's decision to approve the deviations from required side yard setback and building separation, as well as proposed 91% second floor to first floor ratio for the proposed project.

RECEIVED  
CITY CLERK  
2008 APR 21 PM 12:23  
CITY OF COSTA MESA  
BY                     

Date: 4-21-08 Signature: *Allan Mansoor*

\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.

\*\*Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:

**04-14-08 PC Minute Excerpt for PA-08-07 - Unofficial Until Approved**

6. Planning Application PA-08-07, for Laura Dunbar, authorized agent for Danny and Dorothy Dunbar, for construction of a two-story second dwelling unit with a variance from parking (7 spaces required; 6 spaces proposed); a minor design review for 91% second-to-first floor ratio (80% maximum recommended); administrative adjustments for 3-ft. side setback (5 ft. required); and 6 ft. and 7 ft. building separations (10 ft. required) with minor modifications to retain an existing driveway and to extend a nonconforming side setback of the existing front unit with a new closet, located at 242 Ogle Street, in an R2-HD zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report, and there were no questions of staff.

Laura Dunbar, applicant, agreed to all the conditions of approval. She stated that the parking spaces were grandfathered in and provided a letter to the Commission showing her alternative parking proposal to meet the parking requirements.

The Chair and Mr. Lee discussed the existing parking, the credited parking spaces, and the 4 additional parking spaces required for the new portion of the project.

Commissioner Righeimer and Ms. Dunbar discussed the design of the workshop, its square footage, and garage usage.

The Commission, Planning Commission Secretary Kimberly Brandt, and Mr. Lee discussed parking calculations for the project factoring in the number of units and bedrooms.

Commissioner Righeimer mentioned the 3' side variance and the administrative adjustment.

John Steed, Newport Beach, spoke in favor of the project noting that he is a developer in the area.

Ms. Dunbar said she has made every effort to comply, allowing 5' on one side, open space, and following staff's design guidelines.

Commissioner Egan, Commissioner Righeimer, and Ms. Dunbar discussed the variance for the garage and its square footage.

No one else wished to speak and the Chair closed the public hearing.

**MOTION: Approve Planning Application PA-08-07, by adoption of Planning Commission Resolution PC-08-36, based on the evidence in the record and**

findings contained in Exhibit "A", subject to the conditions in Exhibit "B", with the following adopted findings:

**Findings**

**A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:**

- The proposed development is compatible and harmonious with uses on surrounding properties.
- Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
- The proposed project complies with applicable performance standards prescribed in the Zoning Code.
- The project is consistent with the General Plan.
- The cumulative effect of all of the planning applications has been considered.

**B. The information presented complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do exist to justify granting of the administrative adjustments from side setback and building separation. Specifically, the site is nonconforming with regard to minimum lot size and minimum lot width. Project approval would not constitute a grant of special privileges inconsistent with similar properties within the same zoning district. Furthermore, it has been determined that the parking variance is not necessary due to the existing nonconforming unit on the property and that the proposed 6 on-site parking spaces are adequate for this development.**

**C. The information presented does comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, with the proposed deviations from the Zoning Code, is compatible and harmonious with existing and/or anticipated development on surrounding properties. Additionally, the design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines.**

**D. The information presented does comply with Costa Mesa Municipal Code Section 13-29(g)(6) with regard to the minor modifications to retain the existing driveway and to allow the minor building additions to encroach into required setbacks in that the improvement is compatible with the design of existing and anticipated development in the vicinity.**

**E. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and**

**the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.**

**F. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.  
Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.**

During discussion on the motion, Commissioner Egan suggested adopting an interpretation to allow 6 parking spaces and Ms. Brandt stated she was working on the approval findings.

Commissioner Righeimer expressed his concern regarding the workshop and asked if the maker of the motion was willing to make a change and Vice Chair Fisler said he wanted to keep his motion as is.

Vice Chair Fisler and Commissioner Egan discussed the side setback on the right side and the front and rear units.

Ms. Brandt read the findings for approval into the record.

Vice Chair Fisler and Commissioner Clark discussed including a finding stating that the parking variance has been deemed unnecessary due to the interpretation of the Zoning Code, and they both agreed.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, and Commissioner Sam Clark

Noes: Commissioner Eleanor Egan, and Commissioner James Righeimer

Absent: None.



# **PLANNING COMMISSION AGENDA REPORT**

VII. 6

MEETING DATE: APRIL 14, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-08-07  
242 OGLE STREET

DATE: APRIL 3, 2008

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER  
(714). 754-5611

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## **DESCRIPTION**

The applicant is requesting approval of a variance from required on-site parking, administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet.

## **APPLICANT**

The applicant is Laura Kay Dunbar, representing Dan and Dorothy Dunbar, who are the owners of the property.

## **RECOMMENDATION**

Deny by adoption of the attached resolution.

MEL LEE, AICP  
Senior Planner

KIMBERLY BRANDT, AICP  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 242 Ogle Street Application: PA-08-07  
 Request: Variance from required on-site parking, administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet.

### SUBJECT PROPERTY:

Zone: R2-HD  
 General Plan: High Density Residential  
 Lot Dimensions: 50 FT X 125 FT  
 Lot Area: 6,250 SF  
 Existing Development: One-story residence (to remain) and detached accessory structure (to be demolished).

### SURROUNDING PROPERTY:

North: (Across Alley) C1-S, shopping center  
 South: (Across Ogle St.) R3, residences  
 East: R2-HD, residences  
 West: R2-HD, residences

### DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed	Proposed/Provided
<b>Lot Size:</b>		
Lot Width	100 FT	50 FT (1)
Lot Area	12,000 SF	6,250 SF (1)
<b>Density:</b>		
Zone	1 du/3,000 SF	1 du/3,125 SF
General Plan	1 du/3,000 SF	1 du/3,125 SF
<b>Building Coverage:</b>		
Buildings	NA	2,996 SF (48%)
Paving	NA	718 SF (11%)
Open Space	2,500 SF (40%)	2,536 SF (41%)
TOTAL		6,250 SF (100%)
Building Height:	2 Stories 27 FT	2 Stories 24 FT, 3 IN
Chimney Height	NA	NA
First Floor Area (Including Garage)	NA	1,540 SF
Second Floor Area	NA	1,401 SF
2nd Floor% of 1st Floor (2)	80%	91% (3)
Rear Yard Lot Coverage	NA	NA
<b>Setbacks (Proposed Building):</b>		
Front	20 FT	72 FT
Side (1st floor left/right)	5 FT / 5 FT	3 FT(4)/5 FT
Side (2nd floor left/right)	10 FT Avg. (2)	11 FT/10 FT
Rear (alley)	5 FT	5 FT
<b>Setbacks (Existing Building):</b>		
Front	20 FT	24 FT
Side (left/right)	5 FT / 5 FT	2 FT, 10 IN (5)/11 FT, 2 IN
Rear (alley)	5 FT	54 FT
Building Separation:	10 FT	6 FT-7 FT (4)
<b>Parking:</b>		
Covered	2	4
Open	5	2
TOTAL	7 Spaces	6 Spaces (6)
Interior garage dimension	20 FT	20 FT
(1) The property is legal nonconforming (2) Residential Design Guideline (3) Does not comply with Residential Design Guideline (4) Does not comply with code - administrative adjustment requested (5) Minor modification requested - see staff report discussion (6) Does not comply with code - variance requested		
CEQA Status	Exempt, Class 3	
Final Action	Planning Commission	

## **BACKGROUND**

The site contains a one-story single family residence (to remain) and a detached one-car garage and workshop, which will be demolished to accommodate the proposed residential unit.

## **ANALYSIS**

The developer is proposing to construct a two-story, detached, residential unit. The applicant is requesting approval of the following for the project:

- Variance from on-site parking (7 spaces required; 6 spaces proposed);
- Administrative adjustments from the required side yard setback for the proposed unit (5 feet required; 3 feet proposed on the left side) and building separation between the existing residence and the second floor deck of the proposed unit (10 feet required; 6 feet and 7 feet proposed);
- Minor design review to deviate from the City's Residential Design Guidelines for second floor to first floor ratio (80% recommended; 91% proposed);
- Minor modifications retain the existing driveway from Ogle Street and extend a nonconforming side setback for the existing residence with a new closet (5 feet required; 2 feet, 10 inches existing).

### **Variance**

The applicant is requesting approval of a variance from the 7 on-site parking spaces required by code for this project (6 on-site parking spaces are proposed: 4 covered garage spaces accessed from the alley and 2 open parking spaces in the existing driveway accessed from Ogle Street). Code Section 13-29(g)(1) allows granting a variance where special circumstances applicable to the property exist, such as an unusual lot size, lot shape, topography, or similar features, and where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

Although the site is nonconforming with regard to minimum lot size (12,000 square feet required; 6,250 square feet existing) and minimum lot width (100 feet required; 50 feet existing), it is staff's opinion that this does not provide a basis for approval of the variance from parking. It is also staff's opinion that approval of the variance would constitute a grant of special privileges inconsistent with similar properties within the same zoning district, as there have been many residential projects on nonconforming lots that have complied with the on-site parking requirements per code.

### **Administrative Adjustments**

The applicant is requesting approval of an administrative adjustment to allow a 3-foot side setback on the left (west side) elevation for the proposed unit, as well as a reduction in required building separation between the existing residence and the second floor deck of the proposed unit. As with the requested parking deviation, staff does not believe there is basis for approval of the administrative adjustment because the proposed unit is an



entirely new structure (the existing detached one car garage and workshop at the rear of the property is proposed to be demolished). Therefore, it is staff's opinion that the proposed building could be redesigned to comply with the setback and building separation requirements and the administrative adjustment should not be granted.

### Minor Design Review

To minimize second story mass, the City's Residential Design Guidelines recommend that the second floor area not exceed 80% of the first floor area. The proposed second floor to first floor ratio is 91%. It is staff's opinion that the buildings incorporate sufficient variation in depth of floor plans, rooflines, multiple building planes, and offsets to provide architectural interest and visual relief from off-site. However, because the project does not comply with the parking, setback, and building separation requirements discussed earlier in this report, staff cannot support the minor design review.

### Minor Modifications

Code Section 13-85(a)(3) allows a property to retain an existing driveway from a street when garages are proposed off an alley through a minor modification. Additionally, Code Section 13-28(j)(2) allows minor building additions to encroach into required setbacks no further than the existing structure through a minor modification, in this case, a proposed closet extension to the existing residence. It is staff's opinion that there is justification to retain the existing driveway to provide the proposed open parking spaces, as well as to allow the closet extension; however, staff cannot support the minor modifications based on the variance and administrative adjustments for the project as discussed earlier in this report.

### GENERAL PLAN CONFORMITY

The property has a general plan designation of High Density Residential. Under the general plan designation two units are allowed on the site and two units are proposed. As a result, the use and density conforms to the City's General Plan. However, as previously discussed, the project does not comply with certain requirements of the Zoning Code, necessitating the variance and administrative adjustment requests.

### ALTERNATIVES

The Planning Commission has the following alternatives:

1. Deny the project as recommended by staff;
2. Approve the project with the appropriate findings and recommended conditions of approval.

If the application is denied, the residence cannot be built as proposed. The applicant could not submit substantially the same type of project for six months.

**ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction.

**CONCLUSION**

It is staff's opinion that there are not adequate findings to justify approval of the variance and the administrative adjustments. Because the variance and administrative adjustments are related to the proposed residence, which is entirely new construction, special circumstances related to the property or the deprivation of privileges enjoyed by other property owners in the vicinity are not present. As a result, the other entitlements related to the project also cannot be supported. Therefore, staff recommends denial of the entire project.

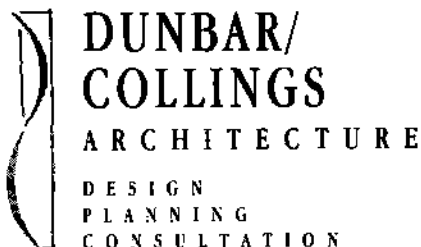
Attachments:       Draft Planning Commission Resolution  
                          Exhibit "A" - Draft Findings  
                          Exhibit "B" - Draft Conditions of Approval  
                          Applicant's Project Description and Justification  
                          Zoning Map/Location Map  
                          Plans

cc:     Deputy City Manager - Dev. Svs. Director  
          Deputy City Attorney  
          Assistant City Engineer  
          Fire Protection Analyst  
          Staff (4)  
          File (2)

Laura Kay Dunbar  
Dunbar/Collings Architecture  
499 Arnett Avenue  
Ventura, CA 93003

Danny K. and Dorothy M. Dunbar  
P.O. Box 15606  
Newport Beach, CA 92659-5606

File: 041408PA0807	Date: 040308	Time: 3:45 p.m.
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499 ARNETT AVENUE  
VENTURA, CALIFORNIA 93003  
805/644/7769

January 29, 2008

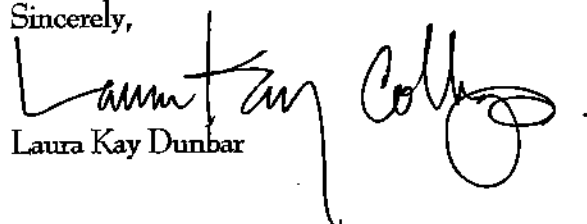
Hanh Nguyen  
Planning Division  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, California 92628

Re: Zoning Application ZA-07-02 242 Ogle Street, Costa Mesa

Dear Hanh,

We are proposing 6 parking spaces for the above project. Currently, the residence has a detached one garage accessed from the rear alley and a driveway from Ogle Street. The existing driveway does not lead to the garage door. The proposed project consists of a 2 bedroom unit located above a 4 car garage with no changes to the existing residence. The new proposal allows 4 covered garage spaces and 2 uncovered spaces on the existing driveway giving a total of 6 spaces, 4 are required for the new unit and 2 are for the existing unit. This design permits the most optimal use for the parking area while maintaining the open space requirement.

Sincerely,

  
Laura Kay Dunbar

# Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of property from Ogle Street looking north



View of adjacent property to the west on Ogle Street

# Ogle Street Property

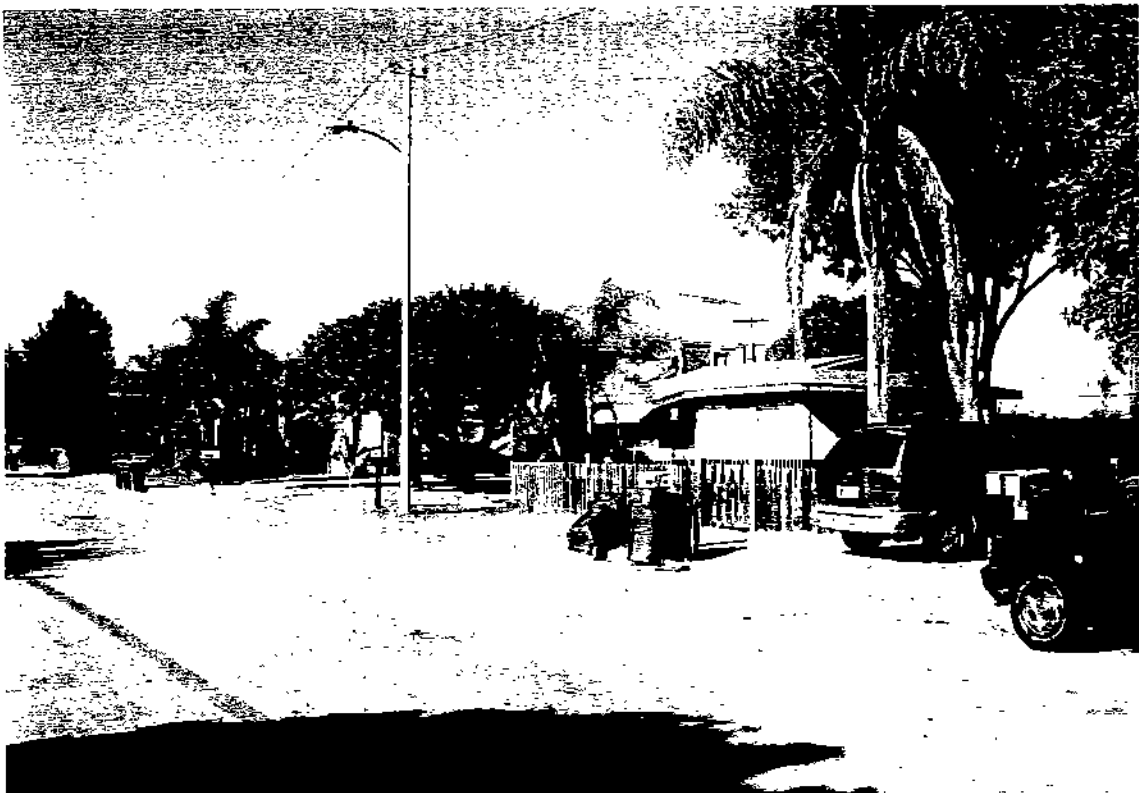
December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of adjacent properties on Ogle Street to the northwest



View of Ogle Street looking northwest

# Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of adjacent property to the east on Ogle Street



View of property directly across Ogle Street

# Ogle Street Property

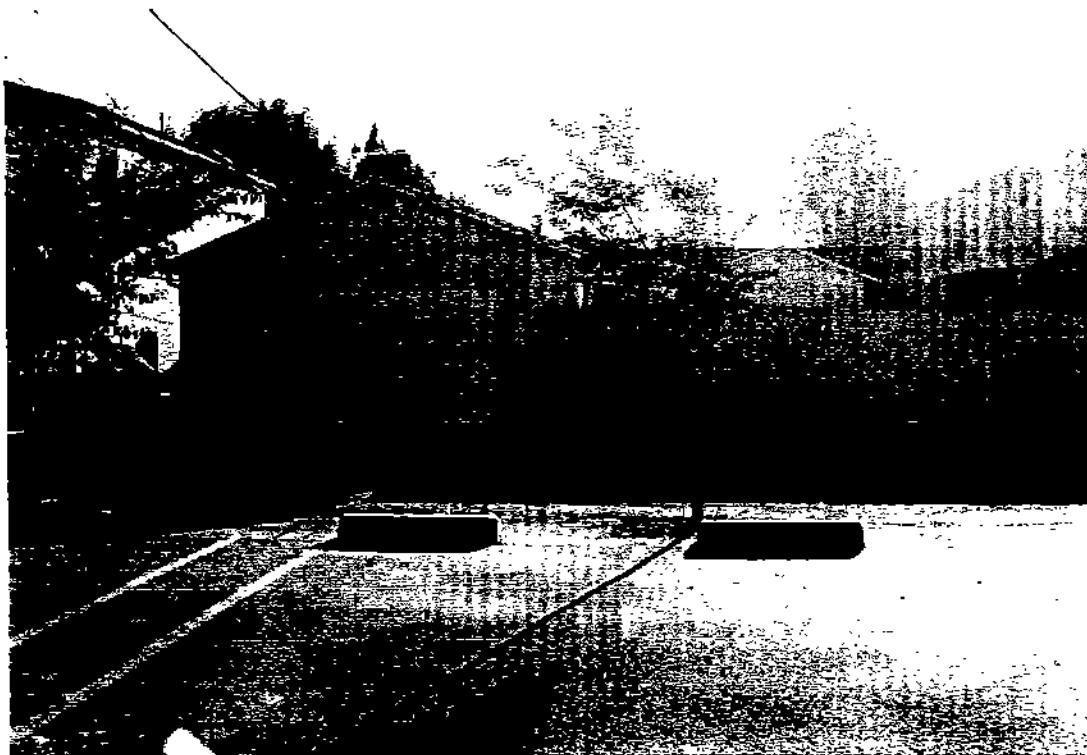
December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of Ogle Street looking southwest



View of property from rear alley looking south

# Ogle Street Property

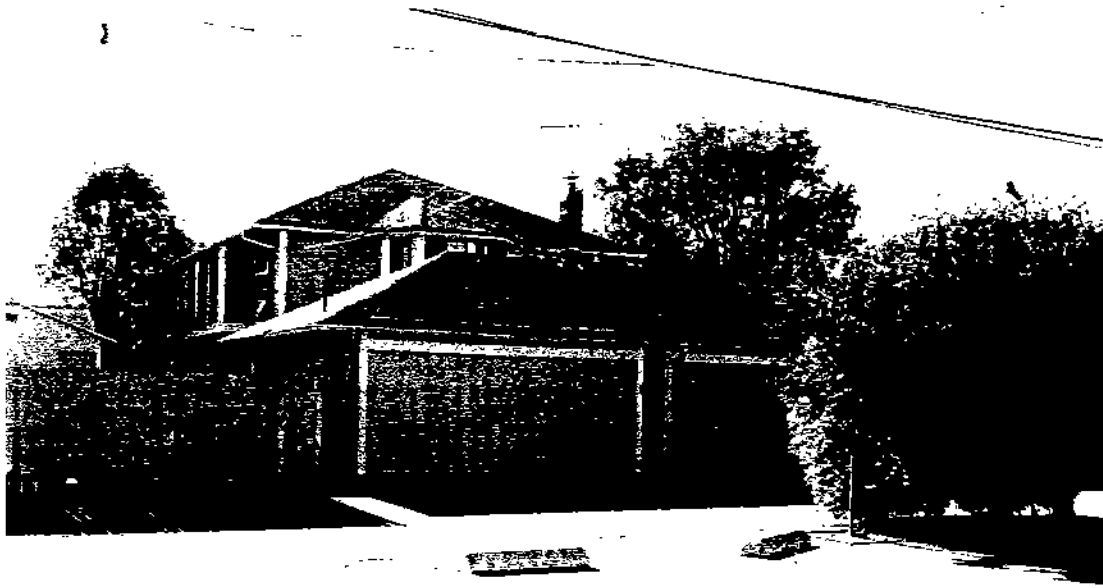
December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View from alley of adjacent property to the east



View from alley of adjacent property to the west



# Ogle Street Property

December 15, 2006

242 Ogle Street Costa Mesa, CA

Dunbar/Collings Architecture



View of alley looking to the west



View of commercial properties directly to the north

RESOLUTION NO. PC-08 - 36

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-08-07**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

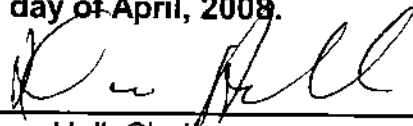
WHEREAS, an application was filed by Laura Kay Dunbar, representing Danny K. and Dorothy M. Dunbar, owners of the real property located at 242 Ogle Street, requesting approval of a variance from required on-site parking, administrative adjustments from required side yard setback and building separation, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio, for a new two-story residential unit. Additionally, the applicant is requesting minor modifications to retain an existing driveway and extend an existing nonconforming side setback for the existing residence with a new closet; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 14, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** PA-08-07 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-08-07 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 14th day of April, 2008.**

  
\_\_\_\_\_  
Donn Hall, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"****FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed development is compatible and harmonious with uses on surrounding properties.
  - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  - The proposed project complies with applicable performance standards prescribed in the Zoning Code.
  - The project is consistent with the General Plan.
  - The cumulative effect of all of the planning applications has been considered.
- B. The information presented complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do exist to justify granting of the administrative adjustments from side setback and building separation. Specifically, the site is nonconforming with regard to minimum lot size and minimum lot width. Project approval would not constitute a grant of special privileges inconsistent with similar properties within the same zoning district. Furthermore, it has been determined that the parking variance is not necessary due the existing nonconforming unit on the property and that the proposed 6 on-site parking spaces are adequate for this development.
- C. The information presented does comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, with the proposed deviations from the Zoning Code, is compatible and harmonious with existing and/or anticipated development on surrounding properties. Additionally, the design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines.
- D. The information presented does comply with Costa Mesa Municipal Code Section 13-29(g)(6) with regard to the minor modifications to retain the existing driveway and to allow the minor building additions to encroach into required setbacks in that the improvement is compatible with the design of existing and anticipated development in the vicinity.
- E. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- F. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

STATE OF CALIFORNIA   )  
  )ss  
COUNTY OF ORANGE    )

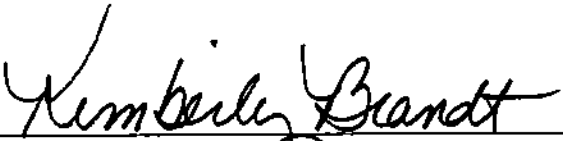
I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 14, 2008, by the following votes:

AYES:           COMMISSIONERS: HALL, FISLER, CLARK

NOES:           COMMISSIONERS: EGAN, RIGHEIMER

ABSENT:        COMMISSIONERS: NONE

ABSTAIN:       COMMISSIONERS: NONE

  
\_\_\_\_\_  
Secretary, Costa Mesa  
Planning Commission